

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

WAYNARD WINBUSH,

Petitioner,

v.

BERT C. BOYD,

Respondent.

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No. 3:23-CV-192-DCLC-JEM

MEMORANDUM OPINION

Petitioner, a state prisoner, filed a pro se motion for post-judgment relief from his petition for a writ of habeas corpus under 28 U.S.C. § 2254 in civil case number 3:20-CV-489 [Docs. 2, 3]. The Court construed this post-judgment motion as a second or successive habeas corpus petition and therefore directed the Clerk to open the instant action [Doc. 1].

However, as the Court noted in its order directing the Clerk to file this action, Petitioner must obtain authorization from the Sixth Circuit before he may pursue this action [*Id.* at 2]. *See* 28 U.S.C. § 2244(b)(3). Because it does not appear that Petitioner has obtained such authorization, the Court will transfer Petitioner's filings [Docs. 2, 3] to the Sixth Circuit, which will construe them as a request for authorization under § 2244(b)(3). *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

Accordingly, the Clerk will be **DIRECTED** to transfer this entire action to the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d at 47, and to close this case.

AN APPROPRIATE JUDGMENT ORDER WILL ENTER.

ENTER:

s/Clifton L. Corker
United States District Judge